



**TO THE HONORABLE BANKRUPTCY JUDGE KAREN K. BROWN:**

COME NOW Right of Way Maintenance Equipment Company (“ROWMEC”) and Jackson Walker L.L.P. (“Jackson Walker”) (together ROWMEC and Jackson Walker are the “Parties”), and file this their Agreed Motion to Dismiss Adversary Proceeding Against Jackson Walker L.L.P. Without Prejudice (“Joint Motion”) and in support hereof would respectfully show the Court as follows:

1. On August 5, 2009, ROWMEC filed ROWMEC’s Complaint against Jackson Walker and other defendants, alleging that JW was liable to ROWMEC for damages as a result of professional negligence, initiating adversary proceeding no. 09-03303, which is currently pending in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (“Adversary Proceeding”).

2. On August 6, 2009, a Summons in Adversary Proceeding was issued against Jackson Walker, pursuant to which Jackson Walker’s deadline to answer or otherwise respond to ROWMEC’S Complaint is September 8, 2009.

3. Jackson Walker has not filed an answer or otherwise responded to ROWMEC’s Complaint.

4. The Parties have determined that it is in their best interests to dismiss the adversary proceeding as to Jackson Walker, without prejudice to refiling.

5. Nothing contained herein shall be deemed to affect any causes of action asserted in the Adversary Proceeding against any other named defendants.

WHEREFORE, ROWMEC and Jackson Walker respectfully request that this Court dismiss this adversary proceeding as to Jackson Walker without prejudice and

grant the Parties such other and further relief, both at law and in equity, which is just and proper.

Dated: this 8<sup>th</sup> day of September, 2009.

Respectfully submitted,

By: /s/ Leonard H. Simon w/ permission by  
Heather M. Forrest

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**ATTORNEYS FOR JACKSON WALKER  
L.L.P.**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of September, 2009, a true and correct copy of the Joint Motion to Dismiss Adversary Proceeding Against Jackson Walker L.L.P. Without Prejudice was served electronically or via United States First Class Mail, Postage Prepaid upon the following parties:

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